



Sen. Don Harmon

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LRB096 09907 HLH 27828 a

1 AMENDMENT TO HOUSE BILL 1306

2 AMENDMENT NO. _____. Amend House Bill 1306, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Local Government Energy Conservation Act is
6 amended by changing Sections 20 and 25 as follows:

7 (50 ILCS 515/20)

8 Sec. 20. Guarantee. The guaranteed energy savings contract
9 shall include a written guarantee of the qualified provider
10 that either the energy or operational cost savings, or both,
11 will meet or exceed within 20 ~~10~~ years the costs of the energy
12 conservation measures. The qualified provider shall reimburse
13 the unit of local government for any shortfall of guaranteed
14 energy savings projected in the contract. A qualified provider
15 shall provide a sufficient bond to the unit of local government
16 for the installation and the faithful performance of all the

1 measures included in the contract. The guaranteed energy
2 savings contract may provide for payments over a period of
3 time, not to exceed 20 ~~10~~ years from the date of the final
4 installation of the measures.

5 (Source: P.A. 88-173; 88-615, eff. 9-9-94.)

6 (50 ILCS 515/25)

7 Sec. 25. Installment payment contract; lease purchase
8 agreement; or other agreement.

9 (a) A unit of local government, or units of local
10 government in combination, may enter into an installment
11 payment contract, lease purchase agreement, or other agreement
12 with a qualified provider or with a third party, as authorized
13 by law, for the funding or financing of the purchase and
14 installation of energy conservation measures by a qualified
15 provider. Every unit of local government may issue certificates
16 evidencing the indebtedness incurred pursuant to the contracts
17 or agreements. Any such contract or agreement shall be valid
18 whether or not an appropriation with respect thereto is first
19 included in any annual or supplemental budget adopted by the
20 unit of local government. Each contract or agreement entered
21 into by a unit of local government pursuant to this Section
22 shall be authorized by official action of the unit of local
23 government's governing body. The authority granted under this
24 Section is in addition to any other authority granted by law.

25 (b) If a potential bidder, including, but not limited to, a

1 consultant, architect, engineer, or drafter of specification,
2 assists a unit of local government prior to the issuance of a
3 request for proposal for the funding or financing of the
4 purchase and installation of energy conservation measures,
5 then the unit of local government may only consider a proposal
6 from the potential bidder that provided such assistance if:

7 (1) The unit of local government uses a standardized
8 request for proposal form approved by the Department of
9 Commerce and Economic Opportunity; or

10 (2) The unit of local government states in writing on a
11 form approved by the Department of Commerce and Economic
12 Opportunity (i) that it has voted to waive any conflicts of
13 interest and (ii) the reasons why the substantial conflict
14 of interest presumed for purposes of this subsection do not
15 prohibit the potential bidder's participation as a bidder.
16 The form shall also include a statement that materials,
17 references, and assistance in developing requests for
18 proposal may be obtained through the Department of Commerce
19 and Economic Opportunity. The form shall be signed and
20 submitted for publication in the Capital Development Board
21 Procurement Bulletin and the Illinois Procurement Bulletin
22 with the request for proposal. For purposes of this
23 subsection, a substantial conflict of interest is presumed
24 when a potential bidder (i) proposes the use of its own
25 company's proprietary systems, (ii) provides restrictive
26 equipment specifications in the request for proposal,

1 (iii) mandates that specific improvements be included in
2 the request for proposal in order to submit a proposal to
3 the unit of local government, or (iv) performs fee for
4 service consulting on the proposed project in order to
5 prepare the unit of local government to issue the request
6 for proposal.

7 (Source: P.A. 95-612, eff. 9-11-07.)

8 Section 10. The School Code is amended by changing Sections
9 19b-1.4, 19b-3, and 19b-5 as follows:

10 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

11 Sec. 19b-1.4. Request for proposals. "Request for
12 proposals" means a competitive selection achieved by
13 negotiated procurement. The request for proposals shall be
14 submitted to the administrators of the Capital Development
15 Board Procurement Bulletin and ~~announced in~~ the Illinois
16 Procurement Bulletin for publication and through at least one
17 public notice, at least 30 ~~14~~ days before the request date in a
18 newspaper published in the district or vocational center area,
19 or if no newspaper is published in the district or vocational
20 center area, in a newspaper of general circulation in the area
21 of the district or vocational center, from a school district or
22 area vocational center that will administer the program,
23 requesting innovative solutions and proposals for energy
24 conservation measures. Proposals submitted shall be sealed.

1 The request for proposals shall include all of the following:

2 (1) The name and address of the school district or area
3 vocation center.

4 (2) The name, address, title, and phone number of a
5 contact person.

6 (3) Notice indicating that the school district or area
7 vocational center is requesting qualified providers to
8 propose energy conservation measures through a guaranteed
9 energy savings contract.

10 (4) The date, time, and place where proposals must be
11 received.

12 (5) The evaluation criteria for assessing the
13 proposals.

14 (6) Any other stipulations and clarifications the
15 school district or area vocational center may require.

16 (Source: P.A. 95-612, eff. 9-11-07.)

17 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

18 Sec. 19b-3. Award of guaranteed energy savings contract.
19 Sealed proposals must be opened by a member or employee of the
20 school board or governing board of the area vocational center,
21 whichever is applicable, at a public opening at which the
22 contents of the proposals must be announced. Each person or
23 entity submitting a sealed proposal must receive at least 13
24 days notice of the time and place of the opening. The school
25 district or area vocational center shall select the qualified

1 provider that best meets the needs of the district or area
2 vocational center. The school district or area vocational
3 center shall provide public notice of the meeting at which it
4 proposes to award a guaranteed energy savings contract of the
5 names of the parties to the proposed contract and of the
6 purpose of the contract. The public notice shall be made at
7 least 10 days prior to the meeting. After evaluating the
8 proposals under Section 19b-2, a school district or area
9 vocational center may enter into a guaranteed energy savings
10 contract with a qualified provider if it finds that the amount
11 it would spend on the energy conservation measures recommended
12 in the proposal would not exceed the amount to be saved in
13 either energy or operational costs, or both, within a 20-year
14 period from the date of installation, if the recommendations in
15 the proposal are followed. Contracts let or awarded must be
16 submitted to the administrators of the Capital Development
17 Board Procurement Bulletin and the ~~published in the next~~
18 ~~available subsequent~~ Illinois Procurement Bulletin for
19 publication.

20 (Source: P.A. 95-612, eff. 9-11-07.)

21 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

22 Sec. 19b-5. Installment payment contract; lease purchase
23 agreement.

24 (a) A school district or school districts in combination or
25 an area vocational center may enter into an installment payment

1 contract or lease purchase agreement with a qualified provider
2 or with a third-party ~~lender~~, as authorized by law, for the
3 funding or financing of the purchase and installation of energy
4 conservation measures by a qualified provider. Every school
5 district or area vocational center may issue certificates
6 evidencing the indebtedness incurred pursuant to the contracts
7 or agreements. Any such contract or agreement shall be valid
8 whether or not an appropriation with respect thereto is first
9 included in any annual or supplemental budget adopted by the
10 school district or area vocational center. Each contract or
11 agreement entered into by a school district or area vocational
12 center pursuant to this Section shall be authorized by official
13 action ~~resolution~~ of the school board or governing board of the
14 area vocational center, whichever is applicable. The authority
15 granted in this Section is in addition to any other authority
16 granted by law.

17 (b) If a potential bidder, including, but not limited to, a
18 consultant, architect, engineer, or drafter of specification,
19 assists a school district prior to the issuance of a request
20 for proposal for the funding or financing of the purchase and
21 installation of energy conservation measures, then the school
22 district may only consider a proposal from the potential bidder
23 that provided such assistance if:

24 (1) The school district uses a standardized request for
25 proposal form approved by the Department of Commerce and
26 Economic Opportunity; or

1 (2) The school district states in writing on a form
2 approved by the Department of Commerce and Economic
3 Opportunity (i) that it has voted to waive any conflicts of
4 interest and (ii) the reasons why the substantial conflict
5 of interest presumed for purposes of this subsection do not
6 prohibit the potential bidder's participation as a bidder.
7 The form shall also include a statement that materials,
8 references, and assistance in developing requests for
9 proposal may be obtained through the Department of Commerce
10 and Economic Opportunity. The form shall be signed and
11 submitted for publication in the Capital Development Board
12 Procurement Bulletin and the Illinois Procurement Bulletin
13 with the request for proposal. For purposes of this
14 subsection, a substantial conflict of interest is presumed
15 when a potential bidder (i) proposes the use of its own
16 company's proprietary systems, (ii) provides restrictive
17 equipment specifications in the request for proposal,
18 (iii) mandates that specific improvements be included in
19 the request for proposal in order to submit a proposal to
20 the school district, or (iv) performs fee for service
21 consulting on the proposed project in order to prepare the
22 school district to issue the request for proposal.

23 (Source: P.A. 95-612, eff. 9-11-07.)

24 Section 15. The Public University Energy Conservation Act
25 is amended by changing Section 25 as follows:

1 (110 ILCS 62/25)

2 Sec. 25. Installment payment contract; lease purchase
3 agreement. A public university or 2 or more public
4 universities in combination may enter into an installment
5 payment contract or lease purchase agreement with a qualified
6 provider or with a third-party ~~lender~~, as authorized by law,
7 for the funding or financing of the purchase and installation
8 of energy conservation measures by a qualified provider. Each
9 public university may issue certificates evidencing the
10 indebtedness incurred pursuant to the contracts or agreements.
11 Any such contract or agreement shall be valid whether or not an
12 appropriation with respect thereto is first included in any
13 annual or additional or supplemental budget proposal, request,
14 or recommendation submitted by or made with respect to a public
15 university under Section 8 of the Board of Higher Education Act
16 or as otherwise provided by law. Each contract or agreement
17 entered into by a public university pursuant to this Section
18 shall be authorized by official action ~~resolution~~ of the board
19 of trustees of that university. The authority granted in this
20 Section is in addition to any other authority granted by law.

21 (Source: P.A. 95-612, eff. 9-11-07.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."